

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

JESSIE L. MEDLIN, PRESIDENT, PRESIDING

June 9, 1999

A. CALL TO ORDER

The June 9, 1999, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff James Albert Riley the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Jimmy James-----District 3
Supervisor John Caldwell-----District 4
Supervisor Tommy Lewis-----District 5
W. E. “Sluggo” Davis-----Chancery Clerk
David Armstrong-----County Administrator
James Albert Riley----- Sheriff of DeSoto County
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by County Administrator, David Armstrong.

C. PLANNING COMMISSION

The Planning Commission brought several items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission.
****See Exhibit C.****

D. PUBLIC HEARING - FIREARM ORDINANCE

Supervisor Jessie Medlin called for anyone present in response to the public notice for the Firearm Ordinance to come forward. No person did. Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion, to hold this issue over for further debate. The **motion passed** by a unanimous vote. ****See Exhibit D.****

ITEM E, CONTINUED,

E. OLD BUSINESS

1. Inventory Dispositions

a. Metro Narcotics

At the request of Captain Keith Combs of the Sheriff's Department, Supervisor John Caldwell made the motion, and Supervisor Jimmy James seconded the motion, to hold this issue over until June 21st, 1999. The **motion passed** by a unanimous vote.

****See Exhibit E.1.a.****

b. Sheriff's Department

At the request of Captain Keith Combs of the Sheriff's Department, Supervisor John Caldwell made the motion, and Supervisor Jimmy James seconded the motion, to hold this issue over until June 21st, 1999. The **motion passed** by a unanimous vote.

****See Exhibit E.1.b.****

2. Ambulance Maintenance - Central Maintenance

The County Administrator, David Armstrong notified the Board of Supervisors he has spoken with both Bobby Storey and Kenny Gunn in connection with the maintenance of the ambulances at Central Maintenance. Mr. Armstrong said Bobby Storey was unaware of the time consumption at Central Maintenance and Mr. Storey has agreed to begin using Hernando Fast Lube for maintenance of the ambulances.

No motions were made nor votes taken on this issue.

3. Approval of MOU - Working County Employees on State Highways

The County Administrator, David Armstrong notified the Board of Supervisors he has spoken with Sheriff Riley in connection with working County Employees on the State Highways. Mr. Armstrong said the Sheriff would work the county employees on I-55, not on county roads.

Supervisor John Caldwell reminded the Board the MOU states clearly the Sheriff will furnish inmate work crews for a minimum of four (4) days per week. Supervisor Caldwell said he thought that was a little elaborate, as he felt two (2) days per week for the state highways would be appropriate and the other two (2) days for the county roads.

Supervisor Eugene Thach said he did not have a problem with the MOU, but the county roads should be first priority. Supervisor Tommy Lewis suggested two (2) crews with one working the state highways and the other working the county roads. Supervisor John Caldwell said he did not agree with the minimum four (4) days work week.

Supervisor John Caldwell made the motion, and Supervisor Jimmy James seconded the motion, to hold this issue over pending recommendations for Sheriff Riley. The **motion passed** by a unanimous vote. ****See Exhibit E.3****

ITEM E.4, CONTINUED,

4. Request for Assistance - Horn Lake Middle School - Flashing school zone lights

The County Administrator, David Armstrong notified the Board he had spoken with Mr. Kenny Gunn regarding the request for flashing school zone lights at Horn Lake Middle School.

Mr. Armstrong said Mr. Gunn received the following quotes:

Solar Powered System	\$ 9,000.00 to \$ 10,000.00	
* noted the solar powered system is not with out problems*		
Standard System	\$ 5,247.00	McCrary Electric
	includes two (2) light poles	
Standard System	\$ 4,950.00	DeSoto County
	Electric	
	includes two (2) light poles	

Supervisor Eugene Thach made the motion, and Supervisor John Caldwell seconded the motion, to accept the low bid in the amount of \$ 4,950.00 from DeSoto County Electric for flashing school zone lights at Horn Lake Middle School subject to the school paying the electric bill for the light. The **motion passed** by a unanimous vote.

****See Exhibit E.4****

F. NEW BUSINESS

1. Nail Road Extension

Mayor Mike Thomas of the City of Horn Lake, Alderman Smith of Horn Lake, John Scott, Russell Wharton, and Mr. Kraxberger presented a proposal of joint venture to the Board of Supervisor for the extension of Nail Road.

Mr. Russell Wharton presented the joint venture of extending Nail Road to Frontage Road establishing four lanes and a turning lane complete with open ditches on both sides of the road and a landscaped medium. Mr. Wharton said Goodman Road is already congested, and the extension of Nail Road would re-route traffic, providing a continuous flow of traffic.

Supervisor John Caldwell asked Mr. Wharton if in essence they were asking the County for assistance in the clearing of land and movement of dirt on Nail Road. Mr. Wharton said yes. Supervisor John Caldwell said in his opinion a retail development is not reason enough for a road, but the extension of Nail Road would help with congestion, residential traffic, industrial area, and would eventually connect to the interstate. Supervisor John Caldwell said in his opinion this would be a good road project.

Supervisor John Caldwell made the motion to add this road project to the four (4) year road plan and instruct the Road Manager to begin immediately with clearing and initial dirt work, contingent on the landowner at the end of Poplar Corner being in agreement with the project. This motion died for lack of a second.

Mr. Armstrong asked Supervisor Caldwell if he would like to make this contingent upon the participation of the City of Horn Lake. Supervisor Eugene Thach said the county has a four (4) year road plan in place. Supervisor Thach said the Road Manager has already set priorities in place and asked what the developers are prepared to do.

ITEM F.1, CONTINUED,

Supervisor John Caldwell asked what did the developers do on other road extensions.

Supervisor Jessie Medlin said equipment is made to widen roads for the taxpayers. Supervisor Caldwell said Nail Road is needed for future growth in DeSoto County. Supervisor Caldwell said this is not concerning district politics, as this road extension is not in his district, but feels the county will benefit from this project.

Supervisor Tommy Lewis said the construction of this road is not even on the section line, but through a developers land parcel. Supervisor Lewis said he would like to see the roads tie the cities together. Mr. Smith said they received opposition from the other city on placing an interchange to connect the two (2) cities. Supervisor Eugene Thach said the county does not build five (5) to seven (7) lane roads for anyone.

Mr. Wharton said he understood the concerns of the Board, but the county will not benefit from a north/south road, only a east/west route. Supervisor Eugene Thach said MDOT has already stated they are not interested in building an interchange at Nail Road. Mayor Mike Thomas said there is a possibility of contracting the project out and reminded the Board of Supervisors, the City of Horn Lake has not received one cent of reimbursement from the County for the overlaying of road projects.

Supervisor Eugene Thach said by law the Board must adopt a four (4) year road plan, and he would like to hear from the Road Manager as to how this would effect the four (4) year road plan.

Supervisor Eugene Thach made the motion, and Supervisor Jimmy James seconded the motion, to take this issue under advisement. The **motion passed** by a vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
Jimmy James-----Yes
John Caldwell-----No
Tommy Lewis----- Yes

****See Exhibit F.1.****

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2. Telephone - Jim Flanagan & Ben Smith

Mr. Ben Smith of Smith Engineering & Surveying and Mr. Jim Flanagan of the DeSoto Council, presented a request to negotiate with South Central Bell.

Mr. Smith said South Central Bell has stated they did not include the loss of income from Memphis to DeSoto County when considering an area calling plan for the county. Mr. Smith said a meeting with the Tennessee Regulatory Authority will be held in Nashville, June 22nd, 1999, and DeSoto County should be represented at that meeting. Mr. Smith said at this time, DeSoto County should not be subsidizing Tennessee Bell for calls made from Memphis to DeSoto County.

ITEM F.2, CONTINUED,

Mr. Smith recommended the following:

- 1) Bo Robinson intervene in the “over-earnings” procedure at the Tennessee Regulatory Authority meeting on June 22nd, 1999 in Nashville, Tennessee.
- 2) Notify Senator Lott’s office of action and request a representative be present at this hearing.
- 3) Notify the Governor’s Alliance in promoting DeSoto County as a trade area, with eliminating the economic barrier to trade.

Mr. Smith asked the Board of Supervisors for a Board Order or Resolution for Bo Robinson in connection with the county wide calling, and that representatives to be present at the June 22nd, 1999, meeting in Nashville, Tennessee. Supervisor Jessie Medlin said he has met with representatives from South Central Bell, and is recommending the Cockrum area of the county receiving relief from long distance charges. Supervisor John Caldwell said when DeSoto County asked for county wide service, they mean for all of the county.

Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion, to accept the recommendations made by Mr. Ben Smith and to appoint Jim Flanagan of the DeSoto Council, and County Administrator, David Armstrong as representatives to attend the June 22nd, 1999 meeting in Nashville, Tennessee in connection with the South Central Bell, Seven Digit County Wide Dialing. The **motion passed** by a unanimous vote. ****See Exhibit F.2****

3. Chuck Peyton

Attorney Darren Vance representing Chuck Peyton appeared before the Board of Supervisors stating lost wages and a hardship has been placed on Mr. Peyton by the Board of Supervisor’s previous ruling on his gravel pit. Mr. Vance asked the Board for an scope of work outline to show his limitations.

Mr. Peyton said he had received a conditional use requiring the placing of a \$ 25,000.00

road bond which Mr. Gunn had set and he can only mine dirt from the pit. Mr. Peyton said in order to develop his property, there has been a lot of clean up since previously the county used the property for mining. Mr. Peyton asked for reconsideration by the Board of Supervisors on the conditional use for hauling.

Supervisor Eugene Thach asked Mr. Peyton the time frame since he had been denied to haul gravel. The Board Attorney, William Austin said he would research the time frame and advise Mr. Peyton of same. Supervisor Eugene Thach said if it has not been a year, he cannot re-file the reconsideration with the Board of Supervisors.

Supervisor John Caldwell said stipulations were placed on the conditional use, such as the use of a flagman. Supervisor Caldwell said the conditional use of a flagman has not been followed. Mr. Vance asked Supervisor Caldwell if the entrance to the road is ok. Supervisor Caldwell said gravel hauling on Sundays is not permitted. Supervisor Caldwell said conditional uses are just that, with no exceptions.

ITEM F.3, CONTINUED,

Mr. Vance said he would check on the time frame restrictions. Supervisor Jessie Medlin reminded Supervisor John Caldwell, dirt hauling is permitted on Sundays. Supervisor John Caldwell said these trucks have been followed to the point of delivery, and gravel is being hauled. Supervisor Eugene Thach recommended if the time frame has expired, re apply for an application for a conditional use.

No motions were made nor votes taken on this issue.

4. BFI - Approval of contract - Disposal of Medical Waste

Supervisor Eugene Thach made the motion, and Supervisor Jimmy James seconded the motion, to hold this issue over pending the Board Attorney's approval. The **motion passed** by a unanimous vote. ****See Exhibit F.4****

5. Bailiff Pay

Pursuant to Section 25-7-27, Section 1, paragraph (e) which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, of Mississippi Code of 1973, Annotated, Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to pay Tommy Carr the amount of \$ 240.00 for the month of May, 1999. The **motion passed** by a unanimous vote. ****See Exhibit F.5.****

6. Dale Thompson - Budget Amendment

a. Operations & Maintenance

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1998, and ending September 30, 1999. At the recommendation of the Comptroller, Dale Thompson, Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion to approve the budget amendment for Operations & Maintenance under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Increase	112-340-554	consultant fees	\$ 2,003.00
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Increase	112-000-296	revenue from State Grand Gulf	\$ 2,003.00
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The **motion passed** by a unanimous vote. ****See Exhibit F.6.a.****

b. Data Processing

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1998, and ending September 30, 1999. At the recommendation of the Comptroller, Dale Thompson, Supervisor John Caldwell made the motion, and Supervisor Tommy Lewis seconded the motion to approve the budget amendment for Data Processing under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Decrease	001-152-606	computer supplies	\$ 853.00
Increase	001-152-946	computer software	\$ 853.00

The **motion passed** by a unanimous vote. ****See Exhibit F.6.b.****

ITEM F.6.c, CONTINUED,

c. Central Maintenance

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1998, and ending September 30, 1999. At the recommendation of the Comptroller, Dale Thompson, Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion to approve the budget amendment for Central Maintenance under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Increase	156-300-655	maintenance supplies	\$ 5,000.00
Decrease	156-300-681	repair parts	\$ 5,000.00
Increase	156-300-900	purchase right of ways	\$ 30,000.00
Decrease	156-300-902	road improvements	\$ 30,000.00

The **motion passed** by a unanimous vote. ****See Exhibit F.6.c.****

d. County Court

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1998, and ending September 30, 1999. At the recommendation of the Comptroller, Dale Thompson, Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion to approve the budget amendment for County Court under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

Decrease	001-162-543	repairs to equipment	\$ 280.00
Increase	001-162-936	computer printer	\$ 280.00

The **motion passed** by a unanimous vote. ****See Exhibit F.6.d.****

7. Approval of Late Bill - Tax Collector

At the recommendation of the Comptroller, Dale Thompson, Supervisor Tommy Lewis

made the motion, and Supervisor John Caldwell seconded the motion to approve the postage request in the amount of \$ 300.00 for the Tax Collector's office and to authorize the clerk to write the check to the Postmaster. The **motion passed** by a unanimous vote. ****See Exhibit F.7.****

8. Contract Renewal - Beaver Control

Pat Huddleston presented the Beaver Control Report to the Board of Supervisors. Supervisor John Caldwell said he has received good reports on his work. Supervisor Jessie Medlin asked Mr. Huddleston if this was the quarterly report. Mr. Huddleston said this is the yearly report. Mr. Huddleston said Kenny Gunn has been his point of contact for the county, and this has been a good working relationship.

David Armstrong the County Administrator asked Mr. Huddleston what other counties does he handle. Mr. Huddleston replied, DeSoto, Marshall, Tate, and state roadways in LaFayette counties. Mr. Huddleston reminded the Board he is also available for trapping other animals.

Supervisor Eugene Thach made the motion, and Supervisor John Caldwell seconded the motion, approving the renewal of the Beaver Control Contract and authorizing the clerk to write the check. The **motion passed** by a unanimous vote. ****See Exhibit F.8.****

ITEM F.9, CONTINUED,

9. Hernando Area Chamber of Commerce request the use of the Courthouse for 4th of July parade and picnic to be held July 1st, 1999, 11:30 a.m. til 1 p.m.

Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion, authorizing Hernando Area Chamber of Commerce the use of the Courthouse for the July 4th parade and picnic to be held July 1st, 1999 between the hours of 11:30 a.m. and 1 p.m. The **motion passed** by a unanimous vote. ****See Exhibit F.9.****

10. Cleveland Hills - Road Sign

Supervisor Tommy Lewis notified the Board of Supervisors there have been problems with the placing of road signs in new subdivisions. Supervisor Lewis said the signs do come under the road bonds, however, the public is moving into the subdivisions before the proper signage is placed. Supervisor Tommy Lewis recommended all street signs be in place first.

Merritt Powell of the Planning Commission asked Supervisor Lewis if he is requesting the streets sign be in place before the first house receives final inspection or if street signs are in place before the first permit is pulled.

Supervisor Tommy Lewis made the motion, and Supervisor Eugene Thach seconded the motion that all street signs are in place before the first permit is pulled for the subdivision, and instructed that no more permits be pulled until the signs are in place. The **motion passed** by a unanimous vote.

11. Scott Road - request to change Speed Limit to 35 mph

Supervisor Tommy Lewis notified the Board of Supervisors he has received approximately one half a dozen requests to slow traffic on Scott Road. Vanessa said Kenny Gunn has gone out and looked at this section of road, and it is his recommendation the speed limit be lower to 35 mph.

Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion authorizing Kenny Gunn to lower the speed limit to 35 mph on Scott Road. The **motion passed** by a unanimous vote.

12. Approval to Haul Dirt to the Rubbish Pit

Jim Bearden notified the Board of Supervisors on the East side of Getwell to the North side of Nail there is plenty of good dirt available for the asking. Mr. Bearden said there would be no charge for the dirt, but the county will need to provide trucks for the hauling of dirt.

Mr. Bearden said he has been advised by Kenny Gunn that Central Maintenance has a contract for hauling at \$ 45.00 per hour and the county can take advantage of this contract. Mr. Bearden said Mr. Wilson of M & H Construction said they are equipped to haul three (3) loads per hour.

Mr. Bearden said he has \$ 7,500.00 to \$ 8,000.00 budgeted for the hauling of dirt to the rubbish pit. Mr. Bearden said he has been notified the rubbish pit is in need of approximately 47,000 yards of dirt.

Supervisor Jessie Medlin made the motion, and Supervisor Tommy Lewis seconded the motion to approve the hauling of dirt to the rubbish pit by M & H Construction at \$ 45.00 per hour, and to be paid from Operations & Maintenance budget.

ITEM F.12, CONTINUED,

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1998, and ending September 30, 1999. At the recommendation of the Comptroller, Dale Thompson, Supervisor Jessie Medlin made the motion, and Supervisor Tommy Lewis seconded the motion to approve the budget amendment for Operations & Maintenance under the provisions of Mississippi Code of 1972, Annotated, Section 19-11-19 as follows:

	Decrease	112-340-643	soil erosion	\$ 3,500.00
	Decrease	112-340-581	contractual services	\$ 4,000.00
Decrease	112-341-643	soil erosion	\$ 1,000.00	
Increase	112-341-581	soil erosion	\$ 8,500.00	

The **motion passed** by a unanimous vote.

C. EXECUTIVE SESSION

The “Executive Session” portion of this meeting is presented under the portion of the minutes called “Executive Session.”

C. OTHER ISSUES

1. Walls Fire Station - Grass Cutting - Leased Property

This issue was held over pending recommendations by the Board Attorney in connection with the cutting of grass on leased property.

2. Public Hearing - Abandoned Property - June 21st, 1999

The Board of Supervisors agreed the next available meeting date would be June 22nd, 1999, however, due to a Public Hearing called for June 21st, 1999, the Board Attorney advised the Board of Supervisors to have the Sheriff hold the Public Hearing over until June 22nd, 1999, which is the next available day the Board of Supervisors can meet.

No motions were made nor votes taken on this issue.

3. NACO Meeting - St. Louis, Missouri - July 16th, 1999 - July 20th, 1999

At the recommendation of David Armstrong, Supervisor John Caldwell made the motion, and Supervisor Eugene Thach seconded the motion, appointing Board Attorney, William Austin as the designated Delegate with the authorization to vote at the NACO meeting to be held in St. Louis, Missouri, the week of July 16th, 1999 until July 20th, 1999. The **motion passed** by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to recess until Monday, June 21st, 1999, at 9:00 a.m. The **motion passed** by a unanimous vote.

This the 9th day of June, 1999, these minutes have been read and approved by the DeSoto County Board of Supervisors.

JESSIE L. MEDLIN, President
DeSoto County Board of Supervisors